

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: BEECHEM *et al.* )  
Serial No.: 10/666,291 ) Examiner: Not Yet Assigned  
Filed: September 17, 2003 ) Group Art Unit: 1645  
For: **Antibody Complexes and Methods** )  
**for Immunolabeling** ) **TRANSMITTAL LETTER**  
)

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Commissioner for Patents  
Mail Stop Missing Parts  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following documents in the above-identified application.

- Response to Notice to File Missing Parts of Nonprovisional Application
- Copy of Notice to File Missing Parts of Nonprovisional Application
- Declaration for Utility or Design Application
- Statement Regarding Prior Submission of Compact Disc
- Petition for Extension of Time
- Fee Transmittal

**Certificate of Express Mailing**

I hereby certify that this paper or fee is being deposited with the U.S. Postal Service "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date October 13, 2004

Signature M. A. S.

Number EV 344776391 US

Credit Card Payment Form

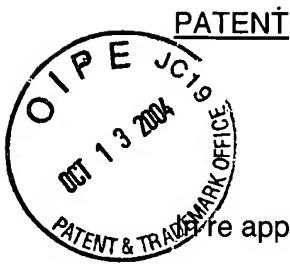
Return Postcard (postage prepaid)

Respectfully submitted,

Date: October 13, 2004

Koren J. Anderson  
Koren J. Anderson, Ph.D.  
Reg. No. 51,061

Molecular Probes, Inc.  
29851 Willow Creek Road  
Eugene, Oregon, 97402  
Phone: (541) 335-0203  
Facsimile: (541) 335-0188



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re application of: BEECHEM *et al.* )  
Serial No.: 10/666,291 ) Examiner: Not Yet Assigned  
Filed: September 17, 2003 ) Group Art Unit: 1645  
For: **Antibody Complexes and Methods** )  
**for Immunolabeling** ) **RESPONSE TO NOTICE TO FILE**  
 ) **MISSING PARTS OF NONPROVISIONAL**  
 ) **APPLICATION**

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Commissioner for Patents  
Mail Stop Missing Parts  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application mailed July 21, 2004, Applicants submit a properly signed declaration, in compliance with 37 CFR §1.63, that identifies the application by its number and filing date; \$130.00, the surcharge for late filing of a declaration according to 37 CFR § 1.16(e); a statement regarding the prior submission of a compact disc and a petition for extension of time. Applicants also enclose herewith a copy of the Notification of Missing Requirements, a Fee Transmittal and a Credit Card Payment Form.

Applicants wish to pay both the \$130.00 fee for late filing of a declaration and the extension fee of \$110.00 as set forth in 37 CFR § 1.136(a) by credit card. See enclosed Fee Transmittal and Credit Card Payment Form. Please charge any additional fees or

**Certificate of Express Mailing**

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Date October 13, 2004

Signature Mia. S.

Number EV 344776391 US

BEECHEM, et al.

10/666,291

MP 0072.1 CIP

Page 2 of 2

credit any overpayment to the same credit card.

In the event that there are any questions relating to these papers, or the application in general, please contact the undersigned agent.

Respectfully submitted,

Date: October 13, 2004

Koren J. Anderson  
Koren J. Anderson, Ph.D.  
Reg. No. 51,061

Molecular Probes, Inc.  
29851 Willow Creek Road  
Eugene, Oregon, 97402  
Phone: (541) 335-0203  
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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** **(\$)** 240.00

## Complete if Known

Application Number	10/666,291
Filing Date	September 17, 2003
First Named Inventor	Joe BEECHEM
Examiner Name	
Art Unit	1645
Attorney Docket No.	MP 0072.1 CIP

## METHOD OF PAYMENT (check all that apply)

Check  Credit card  Money Order  Other  None

Deposit Account:

Deposit Account Number  
Deposit Account Name

The Director is authorized to: (check all that apply)

Charge fee(s) indicated below  Credit any overpayments  
 Charge any additional fee(s) or any underpayment of fee(s)  
 Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION (continued)

### 1. BASIC FILING FEE

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
<b>SUBTOTAL (1) (\$)</b> 0.00					

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Independent Claims	Multiple Dependent	Extra Claims	Fee from below	Fee Paid
			-20**	=	
			- 3**	=	

Large Entity	Small Entity	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	290	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
<b>SUBTOTAL (2) (\$)</b> 0.00					

\*\*or number previously paid, if greater; For Reissues, see above

### 3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
1051	2051	65 Surcharge - late filing fee or oath	130.00
1052	2052	25 Surcharge - late provisional filing fee or cover sheet	
1053	1053	130 Non-English specification	
1812	1812	2,520 For filing a request for ex parte reexamination	
1804	1804	920* Requesting publication of SIR prior to Examiner action	
1805	1805	1,840* Requesting publication of SIR after Examiner action	
1251	2251	55 Extension for reply within first month	110.00
1252	2252	210 Extension for reply within second month	
1253	2253	475 Extension for reply within third month	
1254	2254	740 Extension for reply within fourth month	
1255	2255	1,005 Extension for reply within fifth month	
1401	2401	165 Notice of Appeal	
1402	2402	165 Filing a brief in support of an appeal	
1403	2403	145 Request for oral hearing	
1451	1451	1,510 Petition to institute a public use proceeding	
1452	2452	55 Petition to revive - unavoidable	
1453	2453	665 Petition to revive - unintentional	
1501	2501	665 Utility issue fee (or reissue)	
1502	2502	240 Design issue fee	
1503	2503	320 Plant issue fee	
1460	1460	130 Petitions to the Commissioner	
1807	1807	50 Processing fee under 37 CFR 1.17(q)	
1806	1806	180 Submission of Information Disclosure Stmt	
8021	8021	40 Recording each patent assignment per property (times number of properties)	
1809	2809	385 Filing a submission after final rejection (37 CFR 1.129(a))	
1810	2810	385 For each additional invention to be examined (37 CFR 1.129(b))	
1801	2801	385 Request for Continued Examination (RCE)	
1802	1802	900 Request for expedited examination of a design application	
Other fee (specify)			
*Reduced by Basic Filing Fee Paid			
<b>SUBTOTAL (3) (\$)</b> 240.00			

(Complete if applicable)

Name (Print/Type)	Koren J. Anderson	Registration No. (Attorney/Agent)	51,061	Telephone	541-335-0203
Signature	<i>Koren J. Anderson</i>			Date	October 12, 2004

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



10-15-04

IFW/cc

## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/666,291	09/17/2003	Joe Beechem	

## CONFIRMATION NO. 9042

23358  
 KOREN ANDERSON  
 MOLECULAR PROBES, INC.  
 29851 WILLOW CREEK ROAD  
 EUGENE, OR 97402-9132

## FORMALITIES LETTER

\* OC000000013289271\*  
 \*OC000000013289271\*

10/18/2004 HDEMESS1 00000090 10666291

02 FC:1051 130.00 0P

Date Mailed: 07/21/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The file(s) names listed on the application transmittal form or in the body of the application have a different size or creation date from that in the compact disc directory. If a directory of the disc could be printed, it is attached and the files with the inconsistent information are marked on the directory listing.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that only a single copy of each disc was provided. A duplicate copy of each compact disc must be provided on Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) media. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set.
- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that only Compact Disc-Read Only Memory (CD-ROM) or a Compact Disc-Recordable (CD-R) medial are permitted. A new duplicate copy of each compact disc must be provided on CD-ROM or CD-R media. Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set.
- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of

files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required. Additionally, the disc(s) is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.

- This application contains compact disc(s) as part of the originally filed subject matter or as an amendment, however the information contained on the compact disc(s) is not one of the types of information that may be submitted on compact disc(s). (see 37 CFR 1.52(e)).
- This application clearly fails to comply with the requirements of 37 CFR. 1.821 -1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$130** for a Large Entity

- **\$130** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice MUST be returned with the reply.*



Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE